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REMARKS

The abstract of the invention has been amended as requested by the Examiner.

Enclosed herewith are replacement sheets for Figures 1-3 amended as required by the Examiner.

Original claims 1-6 have been cancelled and new claims 7-14 are submitted herewith. Original claim 4 was indicated as allowable if rewritten in independent form. New claim 10 is original claim 4 rewritten to generally incorporate the original limitations of claim 4 and its parent claims 1 and 3 with the omission of the language of claim 2 and omission of the language "both network sites being connected to a network via a plurality of network service provider connections," from the preamble of claim 1 from the preamble of claim 10. The exact limitations of claims 2 (which is in the chain of parentage of claim 4) were eliminated from claim 10, but the substance of the claim (selections are performed at least in part also on the time elapsed after the selection of routes was previously changed) are believed by the undersigned to be present in the sense that new claim 10 includes the limitations "reducing, as a function of time, an amount of change in the packet success rate and/or round trip time of a connection required to cause a change in the route selection". The applicants submit that claim 10 is allowable.

Claims 1-6 were rejected as indefinite under 35 USC 112, second paragraph. Since claims 1-6 were cancelled, this specific rejection has been obviated. However, new claims 7-14 have been reviewed for similar language to which the Examiner objected and any similar language has been clarified.

New claim 7 does not contain the same language rejected as indefinite in original claim 1.

The indefiniteness rejection of claim 2 regarding indefiniteness of the selection of

routes does not appear to have similarly indefinite language in new claim 8.

New claims 9 and 10 do not appear to have the same indefinite language of original claims 5 and 6.

Claims 1-3 and 5 were rejected as anticipated by Bellovin et al (US 5,870,557. Since these claims were cancelled, this rejection is obviated. However, as to the new claims, 7-14, please consider the following comments regarding Bellovin et al.

Bellovin et al. discloses a system that traces among multiple routes between a user and a decided destination site on the internet, a route having an acceptable round trip transmission time and data packet loss rate. The user is connected to a single internet access provider (ISP) that has two access points to the internet. Because only a single ISP is taught, Bellovin et al. fails to teach or suggest the source network site is provided with a first plurality of network service provider (ISP) connections connecting the source network site to a network. In Bellovin et al., only one ISP is available, so Bellovin et al. does not anticipate any claim that calls for multiple ISP connections.

Bellovin et al. further fails to teach or suggest that the destination network site is provided with a second plurality of network service provider ISP connections connecting the destination network site to the network. In Bellovin et al., the destination websites 104, 105 and 210 are connected directly to the internet.

The Examiner refers to the connections between Internet router nodes A, B, C, D, E, F, and G as such second network service provider connections. However, these circuits are routers within the internet, and they are not network service providers which do the function of an ISP to provide a connection from a destination network site to a network such as the internet.

Bellovin et al. discloses a network configuration totally different from the present invention as claimed and the anticipation rejection is not supported by the evidence.

Bellovin et al. further fails to teach or suggest a step or means for determining, at the source network site, at least one of a round trip time value and a packet success rate value for each route combination comprised of individual source and destination network service provider connections to the internet (which are configurable into a plurality of different routes).

On the contrary, in the system of Bellovin et al., there is only one internet access provider for the user and no internet access provider for the destination website. Therefore, no plurality of routes comprised of combinations of different source ISP and destination ISP connections to the internet can be configured. This means that no round trip time value and no packet success rate can be calculated for each such route in Bellovin et al.

Bellovin et al. further fails to teach a step or means for selecting, at the source network site, a first network service provider connection among the first plurality of network service provider connections and a second service provider connection among a second plurality of network service provider connections on the basis of at least one of the determined round trip time value for each combination of source and destination network service provider connections, and the determined packet success rate value for each combination of source and destination network service provider connections.

As noted above, Bellovin et al. fail to teach determining the round trip time value or the packet success rate value as claimed. Further, as there is only one network access provider at the user's site and no network access provider at the destination website disclosed in Bellovin et al., no selection of internet access provider connections can be carried out on any grounds in Bellovin et al.

Further, regarding new claim 13, Bellovin et al. fail to teach a virtual private network gateway node for transmitting data package over VPN connection from a source network site to a destination network site as claimed.

Bellovin et al. further fails to teach a cluster of virtual private network gateway nodes as claimed in new claim 14.

On the basis of the grounds detailed herein, the applicants respectfully traverse the anticipation rejection and submit that new claims 7-14 are not anticipated by Bellovin et al.

Respectfully submitted,

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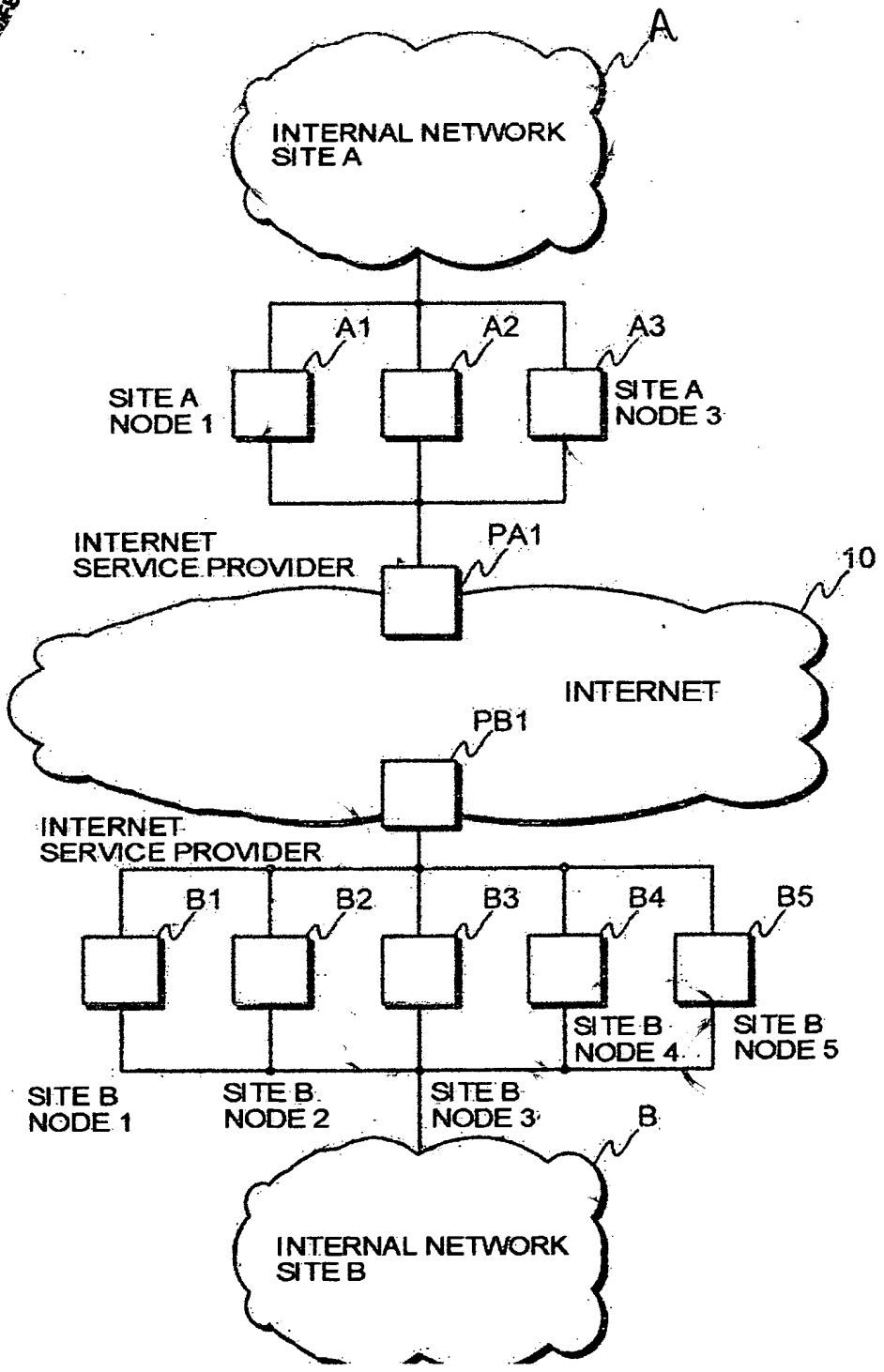
PROPOSED DRAWING CORRECTIONS



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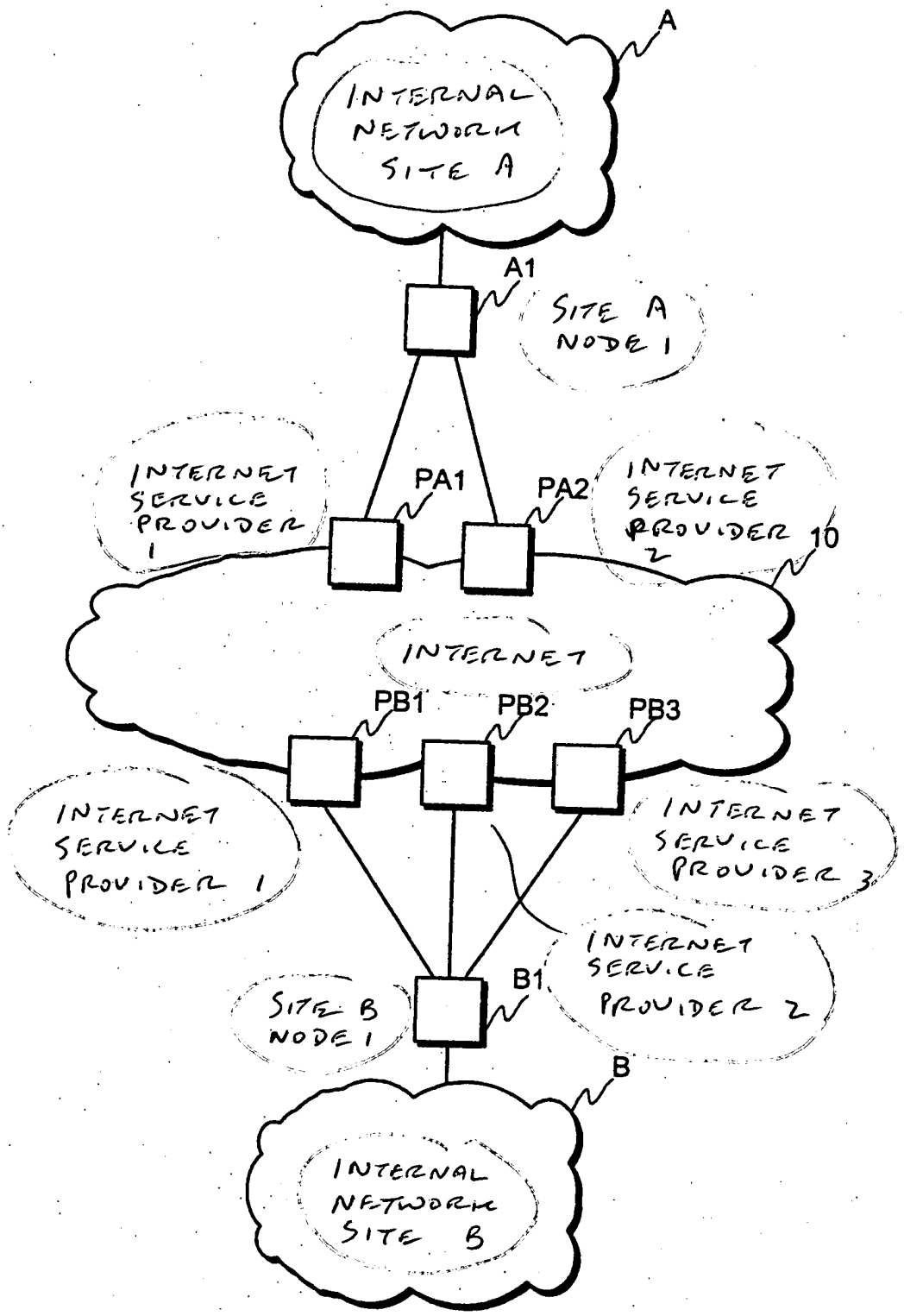

Fig. 2

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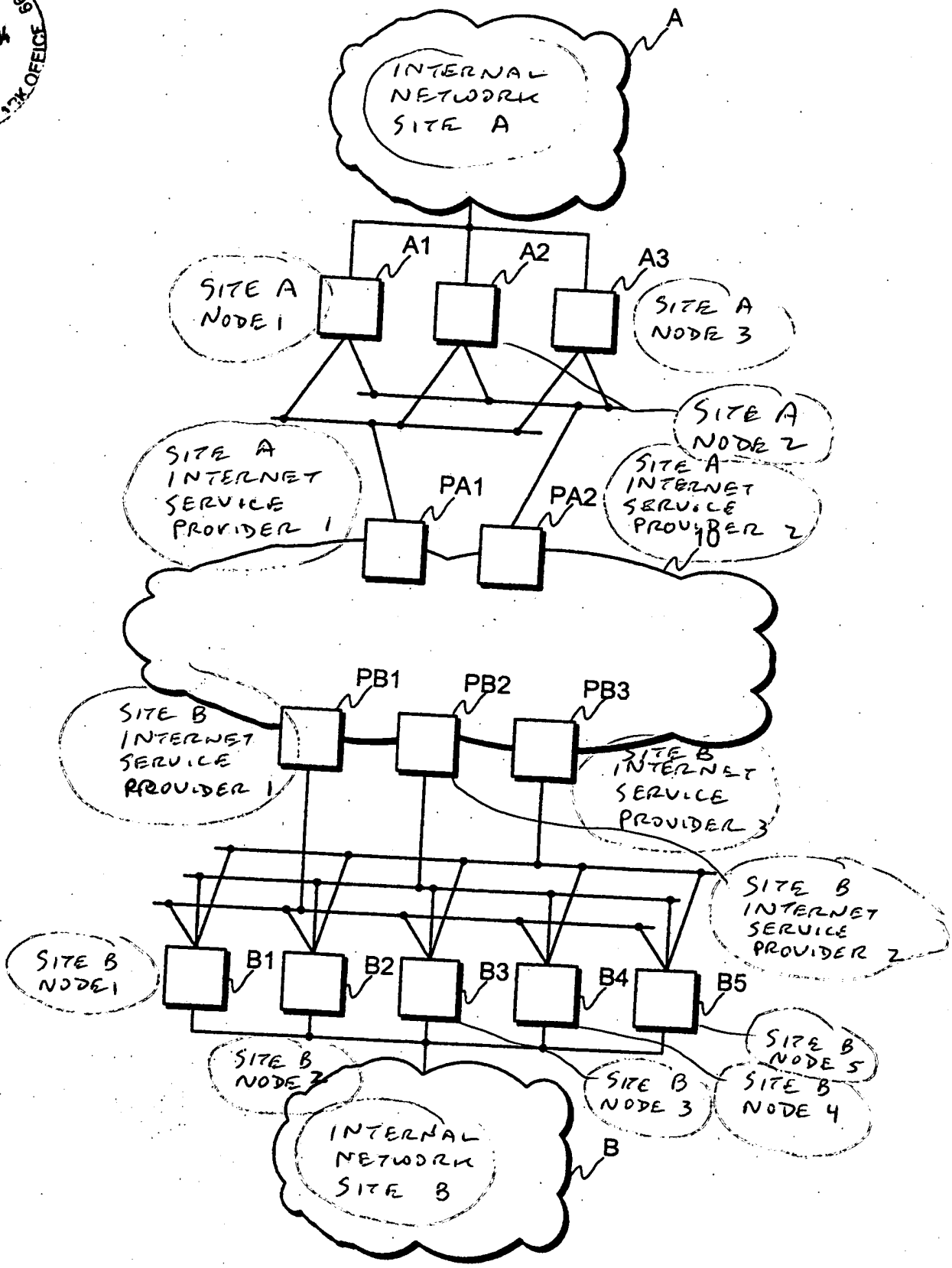

Fig. 3